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9 (Additional counsel on signature page)

10 Attorneys for Plaintiffs and Counter-Defendants
 SZ DJI Technology Co., Ltd. and DJI
 11 Europe B.V.

12 UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

13	SZ DJI Technology Co., Ltd. et al.,)	Case No. 5:16-cv-00595-BRO(KKx)
14	Plaintiffs,)	
15	v.)	FIRST AMENDED COMPLAINT
16	Yunee International Co. Ltd. and)	FOR PATENT INFRINGEMENT
17	Yunee USA Inc.,)	Judge: Hon. Beverly Reid O'Connell
18	Defendants.)	JURY TRIAL DEMANDED
19	Yunee USA, Inc.,)	
20	Counter-Claimant,)	
21	v.)	
	SZ DJI Technology Co., Ltd. et al.,)	
	Counter-Defendants.)	

1 Pursuant to Section 1338 of Title 28 of the United States Code, Plaintiffs SZ
2 DJI Technology Co., Ltd. and DJI Europe B.V. (collectively “Plaintiffs” or “DJI”)
3 allege for their First Amended Complaint against Defendants Yuneec International
4 Co. Ltd. and Yuneec USA Inc. (collectively “Defendants” or “Yuneec”), on
5 personal knowledge as to DJI’s own actions and on information and belief as to the
6 actions of others, as follows:

7 1. This Complaint arises under the patent laws of the United States, Title
8 35 of the United States Code. This Court has subject matter jurisdiction over this
9 action under 35 U.S.C. § 271 et seq., 28 U.S.C. §§ 1331 and 1338(a).

10 **THE PARTIES**

11 2. Plaintiff SZ DJI Technology Co., Ltd. (“DJI SZ”) is a Chinese
12 corporation with its principal place of business at 14th Floor, West Wing,
13 Skyworth Semiconductor Design Building, No.18 Gaoxin South 4th Ave, Nanshan
14 District, Shenzhen, China. DJI SZ is responsible for the research and development
15 of DJI-branded products sold in the United States.

16 3. Plaintiff DJI Europe B.V. (“DJI BV”) is a European corporation with
17 its principal place of business at Bijdorp-Oost 6, 2992 LA Barendrecht,
18 Netherlands. DJI BV sells DJI-branded products in the United States.

19 4. On information and belief, Defendant Yuneec International Co. Ltd.
20 (“Yuneec International”) is a Hong Kong corporation with its principal place of
21

1 business at 2/F, Man Shung Industrial Building, 7 Lai Yip Street, Kwun Tong,
2 Kowloon, Hong Kong.

3 5. On information and belief, Defendant Yuneec USA Inc. (“Yuneec
4 USA”) is a Delaware corporation with its principal place of business at 5555
5 Ontario Mills Parkway, Ontario, California 91764, USA.

6 **JURISDICTION AND VENUE**

7 6. The Court may exercise personal jurisdiction over Yuneec because
8 Yuneec has continuous and systematic contacts with the State of California and, on
9 information and belief, does business in this District.

10 7. On information and belief, Yuneec conducts business in this District
11 by importing, marketing, offering for sale, and selling its infringing products in this
12 District.

13 8. For example, Yuneec has partnered with U.S. electronics retailer Best
14 Buy since at least October 15, 2015. *See* <http://www.yuneec.com/node/158> (last
15 visited Mar. 31, 2016). Yuneec’s partnership with Best Buy includes the sale of its
16 infringing products online. *See* Figure 1. Yuneec’s products are available for
17 purchase by accessing Best Buy’s website in this District and are advertised
18 alongside DJI’s products.

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The screenshot shows the Best Buy website interface for drone products. At the top, there is a navigation bar with the Best Buy logo, menu items (PRODUCTS, SERVICES, DEALS), a search bar, and links for Sign In, Create Account, and Store Locator. Below the navigation bar, a promotional banner reads "SAVE UP TO \$400 ON YUNEEC DRONES" with a link to "Shop Yuneec drones". The breadcrumb trail indicates the location: "Best Buy > Toys, Games & Drones > Drones & Accessories". The main heading is "All Drones".

On the left side, there are filters for "Shop All Drones", "Drones with Camera", and "Drones without Camera". Below these are "Features" and "Customer Rating" sections. The "Features" section includes options like "Built-in GPS (15)", "Rechargeable (14)", "Integrated Camera (13)", "Memory Card Included (9)", "High Definition (7)", "Wi-Fi Built-in (7)", "AC Adapter Compatible (6)", and "Image Stabilization (5)". The "Customer Rating" section shows "Top-Rated (3)", "5 stars (2)", and "4 & Up (5)".

The main product list shows two items:

- DJI - Phantom 3 Professional Flying Camera - White**: Model: CPPT000181 | SKU: 9322044. Price: \$999.99. Features: 12.0MP photo resolution, 4K ultra HD video resolution, gimbal stabilization, auto takeoff and auto return home functions, includes 16GB microSD card. Rating: 4.8 (280 Reviews).
- YUNEEC - Typhoon 4K Quadcopter - Black**: Model: YUNQ4KUS | SKU: 4411801. Price: \$899.99 (ON SALE, SAVE \$300). Features: Multidirectional controls, 3-axis precision gimbal camera, 4K Ultra HD video resolution, 2.4GHz ST10+ Ground Station controller with built-in touch screen. Rating: 4.4 (56 Reviews).

Each product listing includes an "Add to Compare" button, a "Check Shipping & Availability" link, and an "Add to Cart" button. A "PRICE MATCH GUARANTEE" badge is present for both products. A note at the bottom right states "Included Free: 1 item".

Figure 1.

9. In addition, Yuneec’s infringing products are available for purchase at Best Buy retail stores located in this District. See Figure 2. In 2016, at least one infringing Yuneec product was sold at a Best Buy retail store located in this District.

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Figure 2.

10. On information and belief, Yuneec USA is a division of Yuneec International. See http://www.yuneec.com/support_office (last visited Mar. 31, 2016). On its website, Yuneec describes Yuneec USA as “responsible for all aspects of Yuneec International’s business in the Americas.” See <http://www.yuneec.com/careers> (last visited Mar. 31, 2016).

11. On information and belief, Yuneec USA maintains an office in this District at 5555 Ontario Mills Parkway, Ontario, California 91764.

12. Because Yuneec has availed itself of the privileges of conducting activities in this District, it is subject to personal jurisdiction in this District.

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Figure 3.



Figure 4.

16. DJI’s operations are global, currently spanning North America, Europe, and Asia. DJI’s commercial UAVs are versatile; they are used each and every day for things such as aerial photography and cinematography, scientific research, geological surveying, and much more. DJI has developed highly

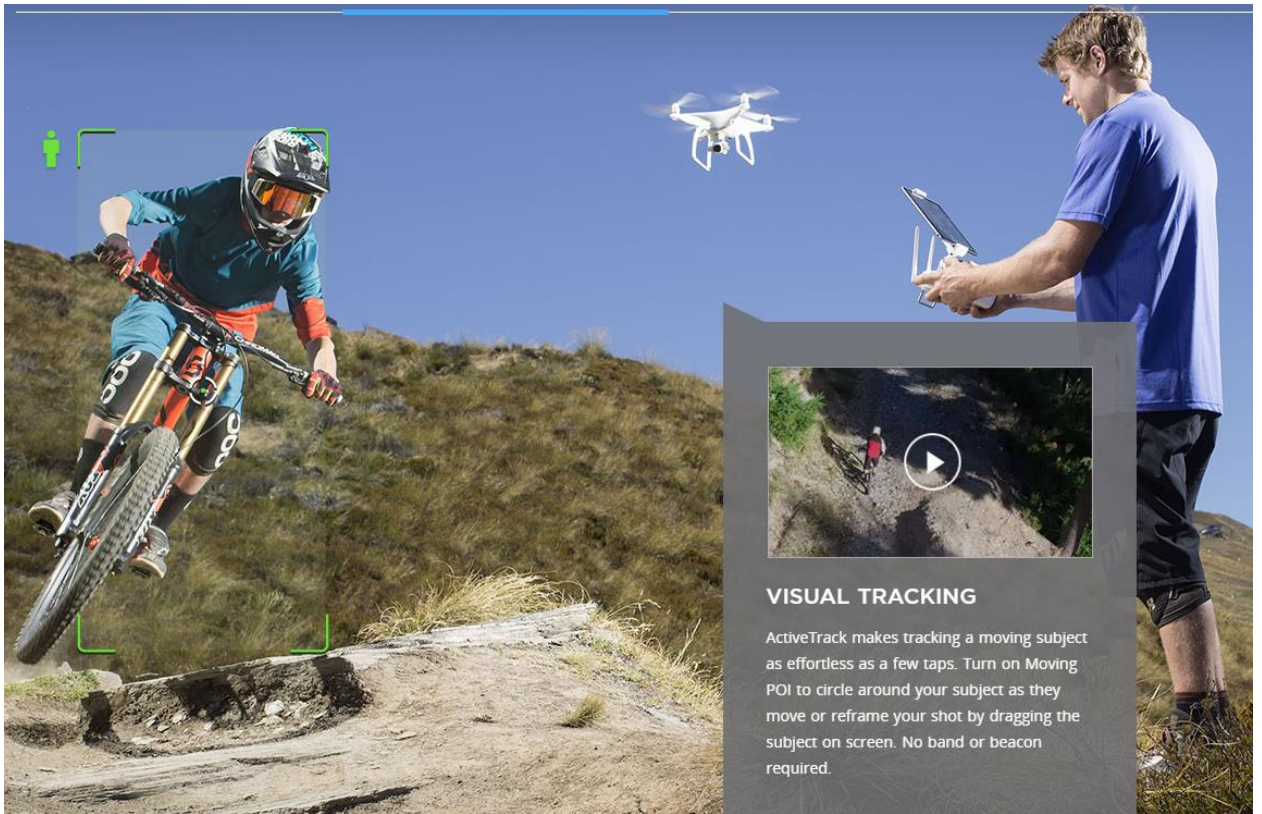
1 sophisticated software applications and interfaces that allow consumers to fully
2 control the flight system and onboard camera.

3 17. Since its founding, DJI has invested millions of dollars in research to
4 develop industry leading technology fundamental to the very concept of UAVs.
5 To date, DJI's research investment has resulted in at least 30 issued United States
6 patents and over 50 pending United States patent applications. DJI employs over
7 seven hundred engineers that develop cutting-edge and ground-breaking solutions
8 to the many challenging issues facing commercial UAVs in an emerging industry.
9 In order to provide out-of-the-box, ready-to-fly products for both amateur and
10 professional consumers, DJI's UAVs are manufactured and pre-assembled with
11 precision and careful calibration.

12 18. DJI's extensive research and development efforts have resulted in
13 more than just the design and development of revolutionary UAVs like the DJI
14 Inspire 1 and DJI Phantom series; they have also led to DJI's development of
15 supporting applications, such as those used for filming, advertising, construction,
16 firefighting, farming, and many others. For instance, as the Wall Street Journal
17 reported in late November 2015, DJI has developed applications to help farmers
18 more efficiently spray their crops in plots of land that are difficult for airplanes to
19 reach.

20 19. DJI has developed a series of pre-programed flight patterns that help
21 capture high quality, targeted aerial images. In one such flight program, called

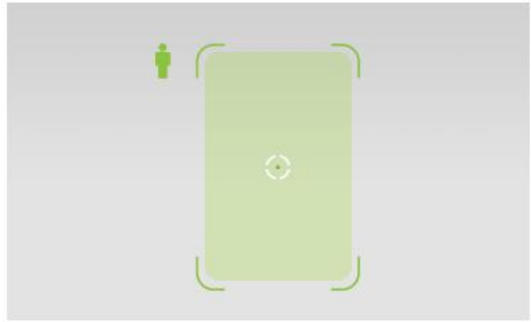
1 “ActiveTrack,” users can instruct the Phantom 4 to recognize a chosen subject and
2 follow the subject automatically to keep the subject constantly in frame. *See*
3 Figures 5 and 6.



14 **Figure 5.**

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ACTIVETRACK

Using ActiveTrack, the Phantom 4 will recognize your subject, follow them naturally, and keep them in the frame. No GPS bracelet, tracker or beacon required.

Figure 6.

20. To further enhance image capturing capabilities by maximizing camera viewing angles, the DJI Inspire 1 has an advanced camera support, referred to as a “gimbal,” that allows the camera to rotate 360-degrees across three different axes. See Figures 7 and 8. As DJI’s website describes, “[t]he 3-axis gimbal constantly draws on data fed by the intelligent flight controller, so it knows the aircraft’s flight parameters and computes the proper motion correction every millisecond.”

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Figure 7.



Figure 8.

21. For handheld photography and cinematography, the advanced gimbal included with the Inspire 1 can be detached and reattached to a separate handheld camera support called the DJI Osmo. See Figure 9. This flexible design allows a consumer to maximize the usability and versatility of the advanced gimbal system.

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Figure 9.

22. Presently, DJI’s products are available for sale online and in retail stores, including Amazon.com, Best Buy, Walmart, eBay, the Apple Store, and hobby shops.

Yuneec

23. On information and belief, Yuneec is a company founded by Tian Yu and headquartered in Jiangsu, China.

24. On information and belief, Yuneec was founded in 1999 as a manufacturer of single rotor, fixed-wing aircraft. Yuneec advertises in the “About Yuneec” section of its webpage that it “pioneered *manned* electric flight.” Upon

1 information and belief, relative to DJI, Yuneec is a recent entrant to the UAV
2 market.

3 25. On information and belief, Yuneec has made, used, offered to sell,
4 and sold UAVs since at least as early as 2014, including the Yuneec Typhoon G,
5 Yuneec Typhoon Q500, Typhoon Q500+, and Typhoon Q500 4K (collectively the
6 “Typhoons”).

7 26. The Typhoons contain a variety of electrical components used to
8 control various aspects of the operation of the UAVs and sensors for navigational,
9 surveillance, or remote sensing purposes. These UAVs are assembled with pre-
10 configured electrical components. Yuneec states in UAV product package
11 instruction manuals, such as for the Typhoon Q500 4K, that its UAVs are “ready to
12 fly right out the box” and that the “system arrives 100% factory-assembled and test
13 flown.”

14 27. On information and belief, the Typhoons are configured to receive
15 target information from the user by remote control to automatically track the target
16 and to maintain a position relative to the target.

17 28. For example, users can instruct the Typhoons “to keep the pilot
18 holding the ST10+ in focus and in frame,” using a feature called “Watch Me.” *See*
19 Figures 10-13. This feature is important for the Typhoons.

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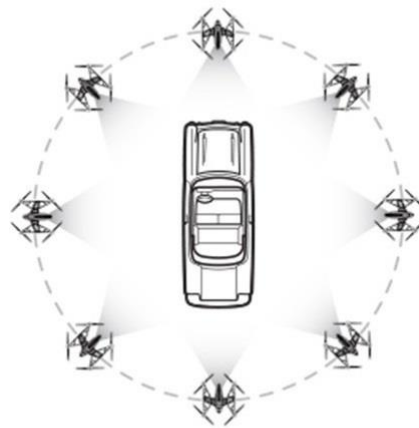
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Figure 10.

ALWAYS STAY IN
FRAME WITH
Watch Me



When Watch Me is enabled, the 4K camera and Typhoon aircraft automatically adjust to keep the pilot holding the ST10+ in focus and in frame no matter which way the drone is maneuvered.

Figure 11.

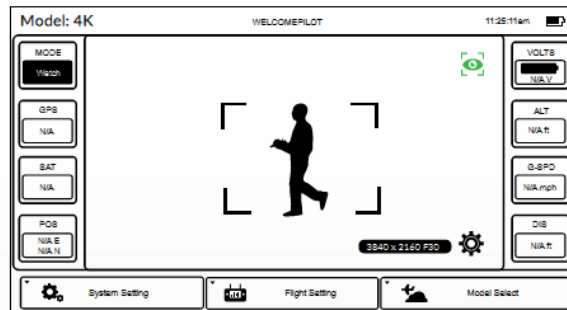
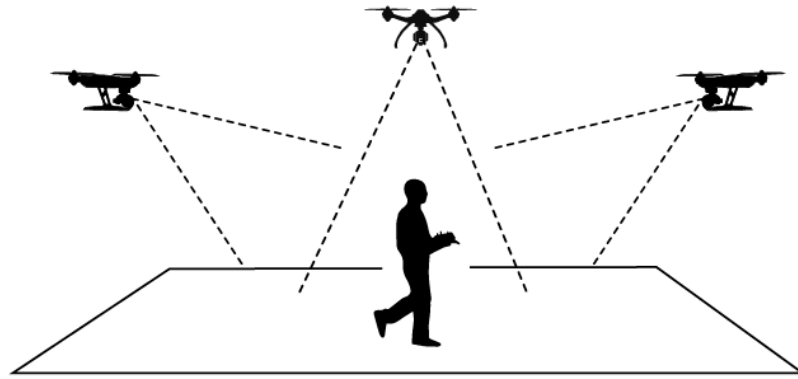
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Figure 12.

29. As the Typhoons’ instruction manuals explain, in the “Watch Me” function, “the pilot will always be kept in the frame;” the Typhoons will adjust the UAV’s position and/or the camera’s lens to keep the pilot in the frame. See Figure 13.

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In Watch Me function, the pilot will always be kept in the frame wherever he moves.

Figure 13.

30. The Typhoons are also equipped with a gimbal camera capable of being attached to either the UAV or to a Yuneec handheld device called the “SteadyGrip.” The Typhoon Q500+, the Typhoon Q500 4K, and the Typhoon G all include both a UAV and a SteadyGrip. *See* Figures 14-16.

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Figure 14.



Figure 15.

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Figure 16.

31. On information and belief, Yuneec demonstrates its UAV products together with its handheld SteadyGrip device (which also retails as the Typhoon ActionCam) at trade shows and dealer expos.

32. The ability of the gimbal camera to releasably connect to the UAV and/or to the SteadyGrip is an important feature for Yuneec. It is a feature that Yuneec highlights in its advertising material. *See* Figure 17. Yuneec expressly advertises that “[t]he SteadyGrip handheld device ensures ground shots are as smooth as those taken from the air.”

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Figure 17.

33. At the Consumer Electronics Show (“CES”) in Las Vegas, Nevada in January 2016, Yuneec demonstrated the Typhoon H, a six-rotor UAV with a built-in collision avoidance system. *See* Figure 18.



Figure 18.

34. On information and belief, the Typhoon H is equipped with a gimbal camera capable of being attached either to the UAV or to a handheld device like the SteadyGrip.

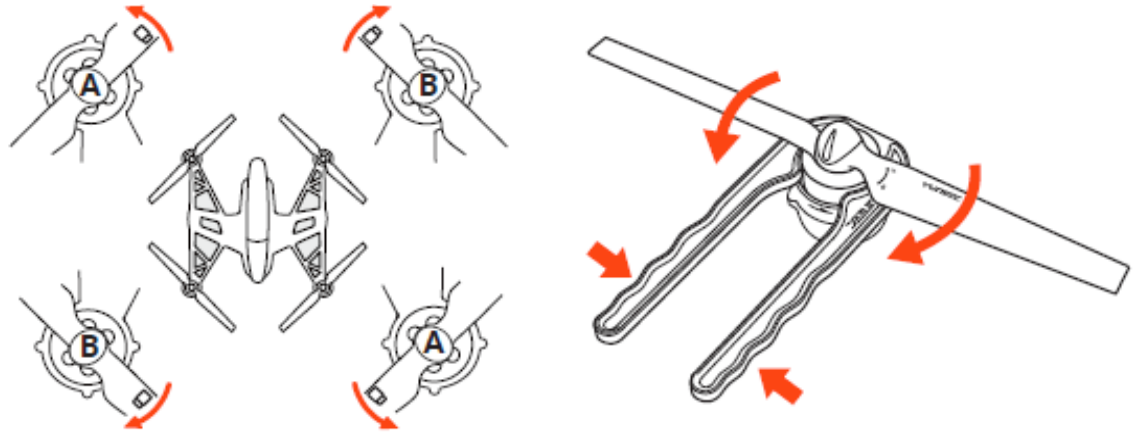
1 35. On information and belief, Yuneec plans to market the Typhoon H as
2 a competitor to DJI’s Inspire 1 UAV. Upon information and belief, the Typhoon H
3 will retail for under \$2,000. One model of the Typhoon H sells at around \$1,300,
4 “putting nearly head-to-head with the \$1,400 DJI Phantom 4.”

5 36. In a January 2016 article from PR Newswire, Yuneec International
6 CEO Tian Yu has emphasized the importance of price competition, stating that
7 “[w]e’ve engineered the Typhoon H to redefine what customers should expect to
8 pay for a drone with such an array of professional features. At this price point, no
9 other drone comes close to the Typhoon H in terms capability and value.”

10 37. On information and belief, at least the Typhoon Q500, Q500+, Q500
11 4K, and the Typhoon G include what Yuneec characterizes as a set of motors and a
12 set of corresponding propellers, each of which is marked with an “A” or “B” to
13 ensure easy installation in the correct positions. For example, the propellers
14 marked with “A” should be installed on motors marked with “A,” and the
15 propellers marked with “B” should be installed on motors marked with “B.”
16 Yuneec explains that it is not possible to install a propeller marked with “A” on a
17 motor marked with “B” and that the threads go in different directions for the “A”
18 and “B” motors/propellers. To install a propeller on the corresponding motor, the
19 propeller is rotated in a direction marked on the propeller or a rotor assembly. *See*
20 *Figure 19.*

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Each motor and propeller are marked with an 'A' or 'B' to ensure easy installation in the correct positions (for example: install propellers marked with 'A' on motors marked with 'A').

Figure 19.

38. On information and belief, at least Yuneec UAVs such as the Typhoon Q500 and Typhoon Q500 4K have a layout that includes a central body and multiple branch members extending from the central body. See Figure 20.



Figure 20.

1 equipment inspectors, and technology enthusiasts. Popular sales channels include
2 direct consumer sales, consumer electronics retail, and online retail sales.

3 43. According to an April 2015 Economist article, DJI is one of the
4 leading players and “a pioneer in the nascent market.” The Wall Street Journal
5 calls DJI the company that “kick started the global craze” for UAVs. CKGSB
6 Knowledge noted in late 2015 that “DJI was the first drone maker to put together a
7 turnkey package that doesn’t require any special knowledge to use.”

8 44. DJI senior product manager and inventor, Paul Pan, told Forbes
9 Magazine: “It just comes down to innovation and being able to create something
10 that is not available or what a competitor doesn’t have.”

11 45. An industry analyst from the research and advisory firm “Drone
12 Analyst” commented in late January 2016 that the “only other vendor capable of
13 competing with [DJI] based on feature and price is Yuneec.”

14 **Competition Between DJI and Yuneec**

15 46. DJI and Yuneec are direct competitors in the UAV market. Since
16 Yuneec ventured into the commercial UAV market in 2014, sources within the
17 industry, including a writer for Engadget, have labeled Yuneec “a direct rival to
18 DJI.” See <http://www.engadget.com/2015/08/16/yuneec-4k-typhoon-drone/> (last
19 visited Mar. 31, 2016).

20 47. When Yuneec demonstrated its Typhoon H product at CES in Las
21 Vegas, Nevada in January 2016, a writer for the Verge called the Typhoon H “the

1 biggest challenge yet to DJI’s supremacy.” An article from Cinema5D labeled the
 2 Typhoon H “a serious contender to DJI’s Prosumer lineup.” One photography
 3 focused website went so far as to call Yuneec’s Typhoon H a “DJI Killer.”

4 48. DJI and Yuneec products are often displayed and advertised alongside
 5 each other, competing for limited consumer exposure and attention. See Figure 21.

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7 **DJI - Phantom 3 Professional Bundle with Bonus Battery and Hardshell Backpack**
 Model: DJI-P3-PRO-GP | SKU: 1313820187
 Save when you buy this bundle. Package includes Phantom 3 Professional, Extra Battery, Travel/Action Backpack or GoProfessional Hard Case and 32GB MicroSD Card
 ☆☆☆☆☆ Not yet reviewed
 Sold & Shipped by: Drones Etc
 Check Shipping & Availability

8 Marketplace
\$1,259.00
 Add to Cart
 • Free Shipping

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11 **YUNEEC - Typhoon 4K Quadcopter with Carrying Case - Black**
 Model: YUNQ4KPUS | SKU: 4411802
 YUNEEC Typhoon 4K Quadcopter. Multidirectional controls; 3-axis precision gimbal camera; 4K Ultra HD video resolution; 2.4GHz ST10+ Ground Station controller with built-in touch screen; includes aluminum carrying case and extra battery
 ☆☆☆☆☆ 4.5 (18 Reviews)
 Check Shipping & Availability

12 PRICE MATCH GUARANTEE
\$999.99
 ON SALE
 SAVE \$300 (Reg. \$1,299.99)
 Add to Cart
 • Free Shipping on Orders \$35 and Up

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15 **Figure 21.**

16 **The Patents-in-Suit**

17 49. The Patents-in-Suit go to the heart of DJI’s business, represent key
 18 achievements in DJI’s continuous research and development efforts, and help drive
 19 consumer demand for DJI’s products.

20 50. On October 20, 2015, the United States Patent and Trademark Office
 21 duly and legally issued U.S. Patent No. 9,164,506 (“the ’506 patent”), entitled

1 “Systems and Methods for Target Tracking,” to Bo Zang. DJI SZ is the owner of
2 the ’506 patent. DJI BV is the exclusive licensee of the ’506 patent. A true and
3 correct copy of the ’506 patent is attached hereto as Exhibit 1.

4 51. On March 8, 2016, the United States Patent and Trademark Office
5 duly and legally issued U.S. Patent No. 9,280,038 (“the ’038 patent”), entitled
6 “Interchangeable Mounting Platform,” to Paul Pan, Xifeng Zhao, and Tao Zhao.
7 DJI SZ is the owner of the ’038 patent. DJI BV is the exclusive licensee of the
8 ’038 patent. A true and correct copy of the ’038 patent is attached hereto as
9 Exhibit 2.

10 52. On March 15, 2016, the United States Patent and Trademark Office
11 duly and legally issued U.S. Patent No. 9,284,040 (“the ’040 patent”), entitled
12 “Self-Tightening Rotor,” to Tao Wang, Tao Zhao, and Zhi Gang Ou. DJI SZ is the
13 owner of the ’040 patent. DJI BV is the exclusive licensee of the ’040 patent. A
14 true and correct copy of the ’040 patent is attached hereto as Exhibit 3.

15 53. On December 29, 2015, the United States Patent and Trademark
16 Office duly and legally issued U.S. Patent No. 9,221,536 (“the ’536 patent”),
17 entitled “Unmanned Aerial Vehicle and Operations Thereof,” to Tao Wang, Tao
18 Zhao, Shaojie Chen, and Zhigang Ou. DJI SZ is the owner of the ’536 patent. DJI
19 BV is the exclusive licensee of the ’536 patent. A true and correct copy of the
20 ’536 patent is attached hereto as Exhibit 4.

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1 54. On January 12, 2016, the United States Patent and Trademark Office
2 duly and legally issued U.S. Patent No. 9,233,754 (“the ’754 patent”), entitled
3 “Unmanned Aerial Vehicle and Operations Thereof,” to Tao Wang, Tao Zhao,
4 Shaojie Chen, and Zhigang Ou. DJI SZ is the owner of the ’754 patent. DJI BV is
5 the exclusive licensee of the ’754 patent. A true and correct copy of the ’754
6 patent is attached hereto as Exhibit 5.

7 55. On March 15, 2016, the United States Patent and Trademark Office
8 duly and legally issued U.S. Patent No. 9,284,049 (“the ’049 patent”), entitled
9 “Unmanned Aerial Vehicle and Operations Thereof,” to Tao Wang, Tao Zhao,
10 Shaojie Chen, and Zhigang Ou. DJI SZ is the owner of the ’049 patent. DJI BV is
11 the exclusive licensee of the ’049 patent. A true and correct copy of the ’049
12 patent is attached hereto as Exhibit 6.

13 56. On July 19, 2016, the United States Patent and Trademark Office duly
14 and legally issued U.S. Patent No. 9,394,048 (“the ’048 patent”), entitled
15 “Unmanned Aerial Vehicle and Operations Thereof,” to Tao Wang, Tao Zhao,
16 Shaojie Chen, and Zhigang Ou. DJI SZ is the owner of the ’048 patent. DJI BV is
17 the exclusive licensee of the ’048 patent. A true and correct copy of the ’048
18 patent is attached hereto as Exhibit 7.

19 57. On information and belief, Yuneec either had actual knowledge of the
20 Patents-in-Suit and/or their respective applications prior to this action, or willfully
21 blinded itself to the existence of the Patents-in-Suit. In any event, Yuneec had

1 actual knowledge of the '506 patent and '038 patent no later than the filing of the
2 original Complaint in this action, and Yuneec had actual knowledge of the '040
3 patent, '536 patent, '754 patent, '049 patent, and '048 patent no later than the filing
4 of the First Amended Complaint in this action.

5 58. On information and belief, Yuneec monitors DJI's patent portfolio by,
6 for example, monitoring any press releases, articles, and websites regarding DJI's
7 patent portfolio. On information and belief, Yuneec came across an article entitled
8 "New Trademarks and a Patent Suggest that DJI has Big Plans for the Phantom 4,"
9 dated February 14, 2016. *See* <http://myfirstdrone.com/news/ground-breaking-phantom-4-features-revealed-dji-patent/> (last visited Mar. 31, 2016). This article
10 discusses DJI's U.S. Patent Application Publication No. 2016/0031559, which is a
11 continuation of the '506 patent.
12

13 59. On information and belief, Yuneec reviewed DJI's patent portfolio,
14 including the Patents-in-Suit and/or their respective applications and claims, as
15 recently as June 2016, when Yuneec filed its Amended Answer in this lawsuit,
16 pleading unenforceability. Dkt. No. 28. In its Amended Answer, Yuneec raised its
17 unenforceability contentions based on prior art that was allegedly cited "in
18 connection with multiple other patent applications directed to similar inventions"
19 relating to DJI's UAV products. Dkt. No. 28. Thus, on information and belief,
20 Yuneec reviewed and analyzed DJI's patent portfolio relating to UAV products,
21 including the Patents-in-Suit and/or their respective applications and claims.

1 60. On information and belief, Yuneec willfully blinded itself to the
2 Patents-in-Suit and/or their respective applications and claims to the extent it
3 lacked affirmative knowledge of them prior to the article identified in paragraph
4 no. 58 and/or failed to investigate DJI, the company that “kick started the global
5 craze” for UAVs.

6 61. On information and belief, Yuneec has, on at least one occasion,
7 altered the design of its products to avoid the infringement of DJI’s patents. For
8 example, DJI’s U.S. Patent No. 9,016,617, filed November 27, 2013, discloses a
9 magnetometer positioned on the landing stand of a UAV. On information and
10 belief, as of at least January 23, 2015, the UAV sold as part of the Yuneec Q500
11 product had a magnetometer positioned on its landing stand. *See*
12 <https://www.youtube.com/watch?v=PxlLwVgjVnk> (last visited Mar. 31, 2016).
13 On information and belief, after the ’617 patent was published, Yuneec moved the
14 magnetometer away from the landing stand of the Q500 product sold in the United
15 States.

16 62. On information and belief, Yuneec has known about the ’506 and
17 ’038 patents and/or their respective claims since before the filing of the original
18 Complaint, and Yuneec has known about the ’040 patent, ’536 patent, ’754 patent,
19 ’049 patent, and ’048 patent and/or their respective claims since before, or at least
20 as of, the filing of the First Amended Complaint in this action. Despite having full
21 knowledge of these claims, Yuneec continues its infringing conduct to this day.

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FIRST CAUSE OF ACTION

(Infringement of U.S. Patent No. 9,164,506)

63. DJI repeats and realleges the allegations of paragraphs 1 through 62 in their entirety.

64. Yuneec has infringed, either literally and/or under the doctrine of equivalents, one or more claims of the '506 patent and continues to infringe in this District, by making, using, selling, offering for sale, and/or importing into the United States products including, but not limited to, the Yuneec Typhoon G product package, the Yuneec Typhoon Q500 product package, the Yuneec Typhoon Q500 4K product package, and the Yuneec Typhoon H product package, without the permission of DJI. Yuneec is thus liable for direct infringement of the '506 patent pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Yuneec's infringement of at least claims 1 and 6 of the '506 patent is attached as Exhibit 8.

65. On information and belief, Yuneec had knowledge of the '506 patent prior to, or at least as of, the filing of the original Complaint and had knowledge that the products and systems identified herein infringe, either literally and/or under the doctrine of equivalents, one or more claims of the '506 patent. Yuneec has induced and encouraged the direct infringement of the '506 patent by Yuneec's customers, resellers, retailers, and end users by intentionally directing them and encouraging them to make, use, sell, and/or offer to sell within the United States

1 and/or to import into the United States one or more devices that embody the
2 patented invention and that incorporate the accused products and systems
3 identified above. On information and belief, Yuneec provides user guides, video
4 tutorials, and customer support to instruct its customers on how to use the
5 infringing technology. Yuneec is therefore liable for indirect infringement of the
6 '506 patent pursuant to 35 U.S.C. § 271(b).

7 66. On information and belief, Yuneec had knowledge of the '506 patent
8 prior to, or at least as of, the filing of the original Complaint and had knowledge
9 that the products and systems identified infringe, either literally and/or under the
10 doctrine of equivalents, one or more claims of the '506 patent. Yuneec has and
11 continues to contributorily infringe, and will continue to contributorily infringe,
12 either literally and/or under the doctrine of equivalents, one or more claims of the
13 '506 patent. Yuneec has contributorily infringed the '506 patent by offering to
14 sell, selling, and/or importing into the United States a component constituting a
15 material part of the invention disclosed in the '506 patent, knowing the same to be
16 made or adapted specially for use in the infringement of the '506 patent, and not a
17 staple article or commodity of commerce suitable for substantial noninfringing use.
18 Yuneec is therefore liable for indirect infringement of the '506 patent pursuant to
19 35 U.S.C. § 271(c).

20 67. Unless enjoined by this Court, Yuneec will continue to infringe the
21 '506 patent, and DJI will continue to suffer irreparable harm for which there is no

1 adequate remedy at law. Accordingly, DJI is entitled to preliminary and
2 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

3 68. As a result of Yuneec's infringement of the '506 patent, DJI has been
4 and continues to be irreparably injured in its business and property rights, and is
5 entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an
6 amount to be determined at trial.

7 **SECOND CAUSE OF ACTION**

8 **(Infringement of U.S. Patent No. 9,280,038)**

9 69. DJI repeats and realleges the allegations of paragraphs 1 through 68 in
10 their entirety.

11 70. Yuneec has infringed, either literally and/or under the doctrine of
12 equivalents, one or more claims of the '038 patent and continues to infringe in this
13 District, by making, using, selling, offering for sale, and/or importing into the
14 United States products including, but not limited to, the Yuneec Typhoon G
15 product package, the Yuneec Typhoon Q500 product package, the Yuneec
16 Typhoon Q500 4K product package, the Yuneec Typhoon H product package, and
17 the Typhoon ActionCam, without the permission of DJI. Yuneec is thus liable for
18 direct infringement of the '038 patent pursuant to 35 U.S.C. § 271(a). A
19 representative claim chart detailing Yuneec's infringement of at least claims 1, 4,
20 and 12 of the '038 patent is attached as Exhibit 9.

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1 71. On information and belief, Yuneec had knowledge of the '038 patent
2 prior to, or at least as of, the filing of the original Complaint and had knowledge
3 that the products and systems identified infringe, either literally and/or under the
4 doctrine of equivalents, one or more claims of the '038 patent. Yuneec has
5 induced and encouraged the direct infringement of the '038 patent by Yuneec's
6 customers, resellers, retailers, and end users by intentionally directing them and
7 encouraging them to make, use, sell, and/or offer to sell within the United States
8 and/or to import into the United States one or more devices that embody the
9 patented invention and that incorporate the accused products and systems
10 identified above. On information and belief, Yuneec provides user guides, video
11 tutorials, and customer support to instruct its customers on how to use the
12 infringing technology. Yuneec is therefore liable for indirect infringement of the
13 '038 patent pursuant to 35 U.S.C. § 271(b).

14 72. On information and belief, Yuneec had knowledge of the '038 patent
15 prior to, or at least as of, the filing of the original Complaint and had knowledge
16 that the products and systems identified infringe, either literally and/or under the
17 doctrine of equivalents, one or more claims of the '038 patent. Yuneec has and
18 continues to contributorily infringe, and will continue to contributorily infringe,
19 either literally and/or under the doctrine of equivalents, one or more claims of the
20 '038 patent. Yuneec has contributorily infringed the '038 patent by offering to
21 sell, selling, and/or importing into the United States a component constituting a

1 material part of the invention disclosed in the '038 patent, knowing the same to be
2 made or adapted specially for use in the infringement of the '038 patent, and not a
3 staple article or commodity of commerce suitable for substantial noninfringing use.
4 Yuneec is therefore liable for indirect infringement of the '038 patent pursuant to
5 35 U.S.C. § 271(c).

6 73. Unless enjoined by this Court, Yuneec will continue to infringe the
7 '038 patent and DJI will continue to suffer irreparable harm for which there is no
8 adequate remedy at law. Accordingly, DJI is entitled to preliminary and
9 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

10 74. As a result of Yuneec's infringement of the '038 patent, DJI has been
11 and continues to be irreparably injured in its business and property rights, and is
12 entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an
13 amount to be determined at trial.

14 **THIRD CAUSE OF ACTION**

15 **(Infringement of U.S. Patent No. 9,284,040)**

16 75. DJI repeats and realleges the allegations of paragraphs 1 through 74 in
17 their entirety.

18 76. Yuneec has infringed, either literally and/or under the doctrine of
19 equivalents, one or more claims of the '040 patent and continues to infringe in this
20 District, by making, using, selling, offering for sale, and/or importing into the
21 United States products including, but not limited to, the Yuneec Typhoon G

1 product package, the Yuneec Typhoon Q500 product package, and the Yuneec
2 Typhoon Q500 4K product package, without the permission of DJI. Yuneec is
3 thus liable for direct infringement of the '040 patent pursuant to 35 U.S.C.
4 § 271(a). A representative claim chart detailing Yuneec's infringement of at least
5 claims 1-3 and 5 of the '040 patent is attached as Exhibit 10.

6 77. On information and belief, Yuneec had knowledge of the '040 patent
7 prior to, or at least as of, the filing of this First Amended Complaint and had
8 knowledge that the products and systems identified herein infringe, either literally
9 and/or under the doctrine of equivalents, one or more claims of the '040 patent.
10 Yuneec has induced and encouraged the direct infringement of the '040 patent by
11 Yuneec's customers, resellers, retailers, and end users by intentionally directing
12 them and encouraging them to make, use, sell, and/or offer to sell within the
13 United States and/or to import into the United States one or more devices that
14 embody the patented invention and that incorporate the accused products and
15 systems identified above. On information and belief, Yuneec provides user guides,
16 video tutorials, and customer support to instruct its customers on how to use the
17 infringing technology. Yuneec is therefore liable for indirect infringement of the
18 '040 patent pursuant to 35 U.S.C. § 271(b).

19 78. On information and belief, Yuneec had knowledge of the '040 patent
20 prior to, or at least as of, the filing of this First Amended Complaint and had
21 knowledge that the products and systems identified infringe, either literally and/or

1 under the doctrine of equivalents, one or more claims of the '040 patent. Yuneec
2 has and continues to contributorily infringe, and will continue to contributorily
3 infringe, either literally and/or under the doctrine of equivalents, one or more
4 claims of the '040 patent. Yuneec has contributorily infringed the '040 patent by
5 offering to sell, selling, and/or importing into the United States a component
6 constituting a material part of the invention disclosed in the '040 patent, knowing
7 the same to be made or adapted specially for use in the infringement of the '040
8 patent, and not a staple article or commodity of commerce suitable for substantial
9 noninfringing use. Yuneec is therefore liable for indirect infringement of the '040
10 patent pursuant to 35 U.S.C. § 271(c).

11 79. Unless enjoined by this Court, Yuneec will continue to infringe the
12 '040 patent, and DJI will continue to suffer irreparable harm for which there is no
13 adequate remedy at law. Accordingly, DJI is entitled to preliminary and
14 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

15 80. As a result of Yuneec's infringement of the '040 patent, DJI has been
16 and continues to be irreparably injured in its business and property rights, and is
17 entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an
18 amount to be determined at trial.

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1 **FOURTH CAUSE OF ACTION**

2 **(Infringement of U.S. Patent No. 9,221,536)**

3 81. DJI repeats and realleges the allegations of paragraphs 1 through 80 in
4 their entirety.

5 82. Yuneec has infringed, either literally and/or under the doctrine of
6 equivalents, one or more claims of the '536 patent and continues to infringe in this
7 District, by making, using, selling, offering for sale, and/or importing into the
8 United States products including, but not limited to, the Yuneec Typhoon Q500
9 product package and the Yuneec Typhoon Q500 4K product package, without the
10 permission of DJI. Yuneec is thus liable for direct infringement of the '536 patent
11 pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Yuneec's
12 infringement of at least claims 1 and 7 of the '536 patent is attached as Exhibit 11.

13 83. On information and belief, Yuneec had knowledge of the '536 patent
14 prior to, or at least as of, the filing of this First Amended Complaint and had
15 knowledge that the products and systems identified herein infringe, either literally
16 and/or under the doctrine of equivalents, one or more claims of the '536 patent.
17 Yuneec has induced and encouraged the direct infringement of the '536 patent by
18 Yuneec's customers, resellers, retailers, and end users by intentionally directing
19 them and encouraging them to make, use, sell, and/or offer to sell within the
20 United States and/or to import into the United States one or more devices that
21 embody the patented invention and that incorporate the accused products and

1 systems identified above. On information and belief, Yuneec provides user guides,
2 video tutorials, and customer support to instruct its customers on how to use the
3 infringing technology. Yuneec is therefore liable for indirect infringement of the
4 '536 patent pursuant to 35 U.S.C. § 271(b).

5 84. On information and belief, Yuneec had knowledge of the '536 patent
6 prior to, or at least as of, the filing of this First Amended Complaint and had
7 knowledge that the products and systems identified infringe, either literally and/or
8 under the doctrine of equivalents, one or more claims of the '536 patent. Yuneec
9 has and continues to contributorily infringe, and will continue to contributorily
10 infringe, either literally and/or under the doctrine of equivalents, one or more
11 claims of the '536 patent. Yuneec has contributorily infringed the '536 patent by
12 offering to sell, selling, and/or importing into the United States a component
13 constituting a material part of the invention disclosed in the '536 patent, knowing
14 the same to be made or adapted specially for use in the infringement of the '536
15 patent, and not a staple article or commodity of commerce suitable for substantial
16 noninfringing use. Yuneec is therefore liable for indirect infringement of the '536
17 patent pursuant to 35 U.S.C. § 271(c).

18 85. Unless enjoined by this Court, Yuneec will continue to infringe the
19 '536 patent, and DJI will continue to suffer irreparable harm for which there is no
20 adequate remedy at law. Accordingly, DJI is entitled to preliminary and
21 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

1 Yuneec has induced and encouraged the direct infringement of the '754 patent by
2 Yuneec's customers, resellers, retailers, and end users by intentionally directing
3 them and encouraging them to make, use, sell, and/or offer to sell within the
4 United States and/or to import into the United States one or more devices that
5 embody the patented invention and that incorporate the accused products and
6 systems identified above. On information and belief, Yuneec provides user guides,
7 video tutorials, and customer support to instruct its customers on how to use the
8 infringing technology. Yuneec is therefore liable for indirect infringement of the
9 '754 patent pursuant to 35 U.S.C. § 271(b).

10 90. On information and belief, Yuneec had knowledge of the '754 patent
11 prior to, or at least as of, the filing of this First Amended Complaint and had
12 knowledge that the products and systems identified infringe, either literally and/or
13 under the doctrine of equivalents, one or more claims of the '754 patent. Yuneec
14 has and continues to contributorily infringe, and will continue to contributorily
15 infringe, either literally and/or under the doctrine of equivalents, one or more
16 claims of the '754 patent. Yuneec has contributorily infringed the '754 patent by
17 offering to sell, selling, and/or importing into the United States a component
18 constituting a material part of the invention disclosed in the '754 patent, knowing
19 the same to be made or adapted specially for use in the infringement of the '754
20 patent, and not a staple article or commodity of commerce suitable for substantial
21

1 noninfringing use. Yuneec is therefore liable for indirect infringement of the '754
2 patent pursuant to 35 U.S.C. § 271(c).

3 91. Unless enjoined by this Court, Yuneec will continue to infringe the
4 '754 patent, and DJI will continue to suffer irreparable harm for which there is no
5 adequate remedy at law. Accordingly, DJI is entitled to preliminary and
6 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

7 92. As a result of Yuneec's infringement of the '754 patent, DJI has been
8 and continues to be irreparably injured in its business and property rights, and is
9 entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an
10 amount to be determined at trial.

11 **SIXTH CAUSE OF ACTION**

12 **(Infringement of U.S. Patent No. 9,284,049)**

13 93. DJI repeats and realleges the allegations of paragraphs 1 through 92 in
14 their entirety.

15 94. Yuneec has infringed, either literally and/or under the doctrine of
16 equivalents, one or more claims of the '049 patent and continues to infringe in this
17 District, by making, using, selling, offering for sale, and/or importing into the
18 United States products including, but not limited to, the Yuneec Typhoon Q500
19 product package and the Yuneec Typhoon Q500 4K product package, without the
20 permission of DJI. Yuneec is thus liable for direct infringement of the '049 patent
21 pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Yuneec's

1 infringement of at least claims 1, 2, and 7 of the '049 patent is attached as Exhibit
2 13.

3 95. On information and belief, Yuneec had knowledge of the '049 patent
4 prior to, or at least as of, the filing of this First Amended Complaint and had
5 knowledge that the products and systems identified herein infringe, either literally
6 and/or under the doctrine of equivalents, one or more claims of the '049 patent.
7 Yuneec has induced and encouraged the direct infringement of the '049 patent by
8 Yuneec's customers, resellers, retailers, and end users by intentionally directing
9 them and encouraging them to make, use, sell, and/or offer to sell within the
10 United States and/or to import into the United States one or more devices that
11 embody the patented invention and that incorporate the accused products and
12 systems identified above. On information and belief, Yuneec provides user guides,
13 video tutorials, and customer support to instruct its customers on how to use the
14 infringing technology. Yuneec is therefore liable for indirect infringement of the
15 '049 patent pursuant to 35 U.S.C. § 271(b).

16 96. On information and belief, Yuneec had knowledge of the '049 patent
17 prior to, or at least as of, the filing of this First Amended Complaint and had
18 knowledge that the products and systems identified infringe, either literally and/or
19 under the doctrine of equivalents, one or more claims of the '049 patent. Yuneec
20 has and continues to contributorily infringe, and will continue to contributorily
21 infringe, either literally and/or under the doctrine of equivalents, one or more

1 claims of the '049 patent. Yuneec has contributorily infringed the '049 patent by
2 offering to sell, selling, and/or importing into the United States a component
3 constituting a material part of the invention disclosed in the '049 patent, knowing
4 the same to be made or adapted specially for use in the infringement of the '049
5 patent, and not a staple article or commodity of commerce suitable for substantial
6 noninfringing use. Yuneec is therefore liable for indirect infringement of the '049
7 patent pursuant to 35 U.S.C. § 271(c).

8 97. Unless enjoined by this Court, Yuneec will continue to infringe the
9 '049 patent, and DJI will continue to suffer irreparable harm for which there is no
10 adequate remedy at law. Accordingly, DJI is entitled to preliminary and
11 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

12 98. As a result of Yuneec's infringement of the '049 patent, DJI has been
13 and continues to be irreparably injured in its business and property rights, and is
14 entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an
15 amount to be determined at trial.

16 **SEVENTH CAUSE OF ACTION**

17 **(Infringement of U.S. Patent No. 9,394,048)**

18 99. DJI repeats and realleges the allegations of paragraphs 1 through 98 in
19 their entirety.

20 100. Yuneec has infringed, either literally and/or under the doctrine of
21 equivalents, one or more claims of the '048 patent and continues to infringe in this

1 District, by making, using, selling, offering for sale, and/or importing into the
2 United States products including, but not limited to, the Yuneec Typhoon Q500
3 product package and the Yuneec Typhoon Q500 4K product package, without the
4 permission of DJI. Yuneec is thus liable for direct infringement of the '048 patent
5 pursuant to 35 U.S.C. § 271(a). A representative claim chart detailing Yuneec's
6 infringement of at least claims 1, 3, and 7 of the '048 patent is attached as Exhibit
7 14.

8 101. On information and belief, Yuneec had knowledge of the '048 patent
9 prior to, or at least as of, the filing of this First Amended Complaint and had
10 knowledge that the products and systems identified herein infringe, either literally
11 and/or under the doctrine of equivalents, one or more claims of the '048 patent.
12 Yuneec has induced and encouraged the direct infringement of the '048 patent by
13 Yuneec's customers, resellers, retailers, and end users by intentionally directing
14 them and encouraging them to make, use, sell, and/or offer to sell within the
15 United States and/or to import into the United States one or more devices that
16 embody the patented invention and that incorporate the accused products and
17 systems identified above. On information and belief, Yuneec provides user guides,
18 video tutorials, and customer support to instruct its customers on how to use the
19 infringing technology. Yuneec is therefore liable for indirect infringement of the
20 '048 patent pursuant to 35 U.S.C. § 271(b).

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1 102. On information and belief, Yuneec had knowledge of the '048 patent
2 prior to, or at least as of, the filing of this First Amended Complaint and had
3 knowledge that the products and systems identified infringe, either literally and/or
4 under the doctrine of equivalents, one or more claims of the '048 patent. Yuneec
5 has and continues to contributorily infringe, and will continue to contributorily
6 infringe, either literally and/or under the doctrine of equivalents, one or more
7 claims of the '048 patent. Yuneec has contributorily infringed the '048 patent by
8 offering to sell, selling, and/or importing into the United States a component
9 constituting a material part of the invention disclosed in the '048 patent, knowing
10 the same to be made or adapted specially for use in the infringement of the '048
11 patent, and not a staple article or commodity of commerce suitable for substantial
12 noninfringing use. Yuneec is therefore liable for indirect infringement of the '048
13 patent pursuant to 35 U.S.C. § 271(c).

14 103. Unless enjoined by this Court, Yuneec will continue to infringe the
15 '048 patent, and DJI will continue to suffer irreparable harm for which there is no
16 adequate remedy at law. Accordingly, DJI is entitled to preliminary and
17 permanent injunctive relief against such infringement pursuant to 35 U.S.C. § 283.

18 104. As a result of Yuneec's infringement of the '048 patent, DJI has been
19 and continues to be irreparably injured in its business and property rights, and is
20 entitled to recover damages for such injuries pursuant to 35 U.S.C. § 284 in an
21 amount to be determined at trial.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs request entry of judgment in their favor and
3 against Defendants as follows:

4 a. That Defendants are liable for infringement, contributing to the
5 infringement, and/or inducing the infringement of one or more claims of the
6 Patents-in-Suit, as alleged herein;

7 b. That Defendants and their parents, subsidiaries, affiliates, successors,
8 predecessors, assigns, and the officers, directors, agents, servants, and employees
9 of each of the foregoing, customers and/or licensees and those persons acting in
10 concert or participation with any of them, are enjoined and restrained from
11 continued infringement, including but not limited to using, making, importing,
12 offering for sale and/or selling products that infringe, and from contributorily
13 and/or inducing the infringement of the Patents-in-Suit prior to their expiration,
14 including any extensions;

15 c. An Order directing Defendants to file with this Court and serve upon
16 Plaintiffs' counsel within 30 days after the entry of the Order of Injunction a report
17 setting forth the manner and form in which Defendants have complied with the
18 injunction;

19 d. An award of damages adequate to compensate Plaintiffs for the
20 infringement that has occurred, in accordance with 35 U.S.C. § 284, in lost profits,
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1 price erosion and/or reasonable royalty, including prejudgment and post-judgment
2 interest at the highest rates allowed by law;

3 e. An accounting and/or supplemental damages for all damages
4 occurring after any discovery cutoff and through the Court’s decision regarding the
5 imposition of a permanent injunction;

6 f. An award of attorneys’ fees based on this being an exceptional case
7 pursuant to 35 U.S.C. § 285, including prejudgment interest on such fees;

8 g. Costs and expenses in this action;

9 h. Such other and further relief, in law and in equity, as this Court may
10 deem just and appropriate.

11 Dated: December 6, 2016

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

13 By: /s/ James C. Yoon
James C. Yoon

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SZ DJI Technology Co., Ltd. and DJI Europe B.V.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, plaintiffs DJI SZ Technology Co., Ltd. and DJI Europe B.V. demand a trial by jury of this action.

Dated: December 6, 2016

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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